

or by the standards of practice applicable to the provider.”⁶ The division does not pay for a service that is “not reasonably necessary for the diagnosis and treatment of an illness or injury, or for the correction of an organic system, as determined by the department.”⁷ Prior authorization is required for customized durable medical equipment,⁸ and for any item on the Department’s August 2005 *Durable Medical Equipment Prior Authorization List*.⁹ The *Durable Medical Equipment Prior Authorization List* was not included in the record, but U’ wheelchair appears to meet the definition of customized durable medical equipment. The wheelchair has been substantially modified to meet U’ needs and is sufficiently different from other wheelchairs that pricing comparisons would not be possible.¹⁰

There is no dispute that U’ customized wheelchair is medically necessary. The question in this case is whether one specific modification – the addition of Frame Protectors – is medically necessary. The record establishes medical necessity for the other modifications to U’ chair. For example, side guards were included because they protect skin and clothing from being caught in the wheels.¹¹ There is, however, no statement or indication in the record for why the Frame Protectors are medically necessary. There may be many reasons why the owner of a wheelchair might want these items,¹² but unless there is a reason related to a *medical* need, the division may not authorize payment for that equipment.

IV. Conclusion

Mr. W has not shown that there is a medical need for Frame Protectors on U wheelchair.¹³ Accordingly, the division’s determination is upheld.

Dated this 6th day of February, 2013.

Signed
Jeffrey A. Friedman
Administrative Law Judge

⁶ 7 AAC 105.100(5).

⁷ 7 AAC 105.110(1).

⁸ 7 AAC 120.210(b)(4).

⁹ 7 AAC 120.210(b)(7); 7 AAC 160.900(d)(4) (adopting prior authorization list by reference).

¹⁰ See 7 AAC 120.299(2) & (3) (definitions of durable medical equipment and customized durable medical equipment).

¹¹ Exhibit E 3 & E 11.

¹² For example, the Frame Protectors might extend the life of the wheelchair, thereby reducing the need to replace it as often as might otherwise be required.

¹³ Mr. Johnson stated during the hearing that Mr. W could submit additional information to the division at any time, and that the division would reconsider whether the Frame Protectors were medically necessary.

Adoption

The undersigned, by delegation from of the Commissioner of Health and Social Services, adopts this Decision, under the authority of AS 44.64.060(e)(1), as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 21st day of February, 2013.

By: Signed _____
Name: Jeffrey A. Friedman
Title: Administrative Law Judge

[This document has been modified to conform to the technical standards for publication.]